

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

SHAWN L. BURKS,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:07-cv-00337-MEF-TFM
)	
DAVE SUTTON, et al.,)	
)	
Defendants.)	

**DEFENDANTS' MOTION FOR EXTENSION OF TIME TO FILE THEIR
SPECIAL REPORT AND ANSWER**

COME NOW Sheriff Dave Sutton, Capt. Richard B. Moss, and Deputy Sheriff Glenn Shelton, the Defendants in the above-styled cause, and move this Honorable Court for an extension of time of forty (40) days in which to file their Special Report and Answer. As grounds for said Motion, the Defendants state as follows:

1. On April 24, 2007, this Court entered an Order directing the Defendants to file a Special Report in the above-styled cause on or before June 4, 2007. Defendants' Answers are due on June 4, 2007.

2. Counsel for the Defendants has only recently been able to meet with the Defendants and is in need of this additional time to fully review the documentation which is potentially relevant to this case in order to fully respond to the Plaintiff's allegations and provide this Court with a meaningful Special Report.

3. In its Order of April 24, 2007, this Court specifically requested that *"[i]n cases involving medical treatment claims, the defendant(s) shall provide an affidavit from a named defendant or health care professional which i) contains a detailed explanation of the treatment provided to the plaintiff, and ii) interprets the information contained in the medical records*

relevant to the claims presented in the complaint.” (April 24, 2007, Order, 2) (emphasis original). The Plaintiff alleges claims for deliberate indifference to his medical conditions in addition to his excessive force claims. The counsel for the Defendants has obtained the Plaintiff’s medical records but has not had an opportunity to meet with the physician who treated the Plaintiff, and is in need of this additional time to obtain an affidavit from this physician in order to comply with this Court’s order of April 24, 2007.

4. The Defendants have not previously requested an extension of time in this case.

5. The Plaintiff will not be prejudiced by the requested extension.

WHEREFORE, PREMISES CONSIDERED, the Defendants respectfully request this Honorable Court grant their Motion for Extension of Time to file their Special Report and Answer up to and including July 14, 2007.

Respectfully submitted this 31st day of May, 2007.

s/Gary L. Willford, Jr.
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CERTIFICATE OF SERVICE

I hereby certify that on this the **31st** day of **May, 2007**, I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and that I have mailed a true and correct copy of the foregoing by United States Mail, postage prepaid, to the following non-CM/ECF participant:

Shawn L. Burks, AIS 188755
Elmore Correctional Facility
P. O. Box 8
Elmore, AL 36025

s/Gary L. Willford, Jr.
OF COUNSEL